IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.3188 of 2006**

DATE OF DECISION: February 5, 2007

SONA DEVI ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. N.D. ACHINT, ADVOCATE FOR THE PETITIONER.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has challenged her transfer from Irrigation Department to the Central Jail, Ambala. The plea of the petitioner is that she is a Class-IV employee and has been working in the Irrigation Department for more than two decades, therefore, she is not liable to be transferred to another Department.

This very controversy came up for decision in CWP No.9719 of 2005 which was decided on 7.11.2005 and this Court had passed the following order:-

> "*In the reply filed by respondents, it has been pointed out that 99 posts of Sweepers in different jails in Haryana had been created due to the opening of the new jails in Haryana and these posts were being filled in from the list of Sweepers, who*

have been declared surplus in the Irrigation Department, so as to adjust them as they were otherwise likely to be retrenched. On the last date of hearing, we put it to the learned counsel for the petitioner that we could allow the petition and direct the respondents that the petitioners should be allowed to continue to work in the Irrigation Department on account of their period of service, but with liberty to the respondents to retrench them from service in accordance with law as they had been rendered surplus. Today Mr. Achint has informed us that he had communicated the legal position to his clients and that they insisted that they should not be transferred from their present place of posting in the Irrigation Department. We accordingly, from the facts of the writ petition, direct that the petitioners shall not be transferred out from the Irrigation Department and their place of posting, but at the same time give liberty to the respondents to retrench their services in accordance with law in case they are found to be in surplus."

The writ petition is disposed of in the same terms as CWP No.9719 of 2005 *Jasmer Singh & others* vs. *State of Haryana & others*.

(ASHUTOSH MOHUNTA)
JUDGE

February 5, 2007
Gulati

(R.S. MADAN)
JUDGE